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February 25, 2003 Label No. EV122923659US

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Ashley Smith
Name (Print)

Ashley Smith
Signature

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GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GAUDET, et al.

Application No.: 09/944,064

Filed: August 31, 2001

For: MATERIAL FOR CHROMATOGRAPHY

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Group Art Unit: 1723

Examiner: THERKORN, Ernest G.

**RESPONSE TO RESTRICTION REQUIREMENT/
ELECTION OF SPECIES REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

February 25, 2003

Sir:

This Response to Restriction Requirement/Election of Species Requirement is in response to the Office Action dated January 31, 2003, for which the Examiner has set a one-month period for response, thus making the response due on or before February 28, 2003.

In the Office Action, the Examiner has set forth a Restriction Requirement and Election of Species Requirement for the above-identified application.

With respect to the Restriction Requirement, the Examiner has requested that one invention be elected from three groups, wherein Group I encompasses claims 1-13, 36, and 39-46 and is drawn to granulated products. Group II encompasses claims 14 and 15, and is drawn to a method of chromatographic separation. Group III encompasses claims 16-35 and 37-38, and is drawn to a method of making granules.

Response To Restriction Requirement/
Election Of Species Requirement
U.S. Patent Application No. 09/944,064

In response, the applicants elect with traverse the subject matter of Group I, encompassing claims 1-13, 36, and 39-46 drawn to granulated products. The applicants believe that the remaining subject matter as defined by Group II and Group III should be examined at the same time since it appear no serious burden would occur in the examination of this additional subject matter. This is especially true since all of the inventions are essentially classified in the same class with minor differences in the subclass. Furthermore, by examining one group, the Examiner would generally be searching the same type of subject matter with respect to the other groups and therefore a duplication of work can be avoided by examination of all of the subject matter at this time.

Moreover, under M.P.E.P §803, if there is no serious burden in the examination of all of the claims, even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that §803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time. At a minimum, the Examiner should at least examine claims 14 and 15 which are dependent on claim 1.

At pages 3-7 of the Office Action, the Examiner has set forth several Election of Species Requirements.

With respect to Election I, the applicants elect the combination of carbonized synthetic resin and carbonized pitch component, with traverse. All of the elected claims, namely claims 1-13, 36, and 39-46, encompass this elected species.

With respect to Election II, the applicants elect the phenol resin as the specific synthetic resin, with traverse. All elected claims would encompass this elected species.

With respect to Election III, the applicants elect carbon black as the carbonaceous particle,

Response To Restriction Requirement/
Election Of Species Requirement
U.S. Patent Application No. 09/944,064

with traverse. All elected claims, except claim 11, would encompass this elected species.

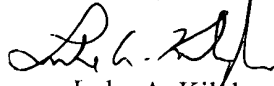
With respect to Election IV, the applicants elect toluene-soluble pitch components as the pitch component, with traverse. All of the elected claims would encompass this elected species.

Finally, with respect to Election V, the applicants elect a granulated product with attached organic groups as the granulated product, with traverse. All claims of the elected invention would encompass this elected species.

With respect to these Election of Species Requirements, in the opinion of the applicant and undersigned, these election is not necessary and the Examiner should proceed with examination of all species and the generic claims at this time. Accordingly, the Election of Species Requirement should be withdrawn as well. The Examiner, of course, will proceed with examining additional species upon allowance of the generic claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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